



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Marilyn Librers, Council Member	Marilyn Librers, Agency Member

WEDNESDAY, SEPTEMBER 2, 2009

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

AND

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Council Services Records Coordinator McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Council Services Records Coordinator McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS

Retiring Morgan Hill Unified School District Superintendent Dr. Alan Nishino

“Skate Park Grand Opening Sponsors”

Proclamation “Volunteer Morgan Hill Day”

INTRODUCTIONS

Jennifer Corona, Municipal Services Assistant

CITY COUNCIL REPORTS

Mayor Steve Tate

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL AND FOR THE REDEVELOPMENT AGENCY. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY COUNCIL SERVICES RECORDS COORDINATOR.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE COUNCIL SERVICES RECORDS COORDINATOR WHO WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1 - 3

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

1. Accept Llagas Road Water Main Project..... 1

Recommended Action(s):

1. **Accept** as complete the Llagas Road Water Main project in the final amount of \$447,539; and
2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

2. **Authorize Expenditure to Upgrade 911 System and Accept Reimbursement Funds from the State of California** 7
Recommended Action(s):
1. **Authorize** expenditure to Executive Information Services (EIS) in the amount of \$51,650; and
2. **Authorize** receipt of \$51,650 from the State of California 911 Emergency Communications Office.

3. **ADOPT ORDINANCE NO. 1949, NEW SERIES**17
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1949, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **An Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for Application, DAA-05-06D Ginger-Custom One.**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 4

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	

4. **Commercial Rehabilitation Loan Program** 25
Recommended Action(s): **Adopt** Resolution authorizing the Executive Director/City Manager to make revisions to the Commercial Rehabilitation Loan Program per the revised recommended program parameters.

City Council Action

OTHER BUSINESS:

ITEMS 5 – 8

Time Estimate	Page
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5. **5 Minutes** **2009 League of California Cities Conference Resolutions**29
Recommended Action(s):
1. **Review/Consider** League of California Cities 2009 Resolutions to Support Resolution #1 and Not Support Resolution #2; or
2. **Take** no action.

6. **10 Minutes** **Santa Clara Valley Transportation Authority (VTA) Proposed Transit Service Reductions** 43
Recommended Action(s): Information Only.

7. **10 Minutes** **Invitation to Become a Participating Agency in the San Jose to Merced High Speed Train Project EIR/EIS**55
Recommended Action(s): **Authorize** the City to be a Participating Agency

8. **30 Minutes** **Discussion of Factors Related to Possible Modifications to RDCS Policies for 1) Exception to Loss of Building Allocations (ELBAs); and 2) On-Going Project Allocations**61
Recommended Action(s): Carry out policy discussion, consider alternative and provide direction to staff regarding the content of a Council Policy to be drafted for review by the Planning Commission and future consider by the City Council in October 2009

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Pursuant to Government Code 54956.9(a)

1. Case Name: Arcadia Development Company v. City of Morgan Hill
Case Number: Santa Clara County Superior Court Case No. 104-CV-020598
Attendees: City Manager; City Attorney
2. Case Name: Tichinin v. City of Morgan Hill
Case Number: California Court of Appeal Case No. H031019
Attendees: City Manager; City Attorney
3. Case Name: California Tow and Salvage, et al. v. City of Morgan Hill
Case Number: Santa Clara County Superior Court Case No. 109-CV-148042
Attendees: City Manager; City Attorney

B. CONFERENCE WITH LABOR NEGOTIATOR:

Authority: Government Code Section 54957.6
City Negotiators: City Manager; City Attorney
Employee Organization: Morgan Hill Police Officers Association
Employees Covered Under Management Resolution #6250
AFSCME Local 101
Morgan Hill Community Service Officers Association

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the Council Services Records Coordinator for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the Council Services Records Coordinator. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chair, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency agenda, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.